

REMARKS

Withdrawal of Requirement for Election of Species

Applicants are grateful for the Examiner's reconsideration and withdrawal of the requirement for election of species.

Nonstatutory Double Patenting Rejections

Claims 1, 6, 9, 28-50, 53, and 55-58 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1, 17-39, 42, and 48-51 of copending U.S. Application No. 10/119,406 (US 2003/0215588 A1).

Applicants are submitting herewith a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c).

Allowable Subject Matter

Applicants gratefully acknowledge the Examiner's statements that claim 54 is allowed and that claims 2-5, 7, 8, 10-27, and 52 would be allowable if rewritten in independent form. 9/8/04 Office Action, page 3. Applicants have rewritten claims 2-5, 7, 8, 10-27, and 52 in independent form, including all of the limitations of the base claim and any intervening claims. Claim 16 was also amended to use proper Markush Group form for the description of the R²⁹ substituent. Claim 25 was also amended to correct a typographical error in a substituent number.

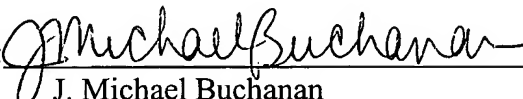
The allowance of claims 2-5, 7, 8, 10-27, and 52 is respectfully requested.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 07-0862 maintained by Assignee.

Respectfully submitted,

CANTOR COLBURN LLP
Applicants' Attorneys

By: 
J. Michael Buchanan
Registration No. 44,571

Date: October 15, 2004
Customer No.: 23413
Telephone: (860) 286-2929